

# EXHIBIT B

MICHAEL J. STONNINGTON, M.D.  
UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

In re Bair Hugger Forced-Air Warming  
Products liability Litigation

MDL NO. 15-2666 (JNE/FLN)

This Document Relates To:  
All Actions

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VIDEOTAPED DEPOSITION OF  
MICHAEL J. STONNINGTON, M.D.

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APPEARANCES NOTED HEREIN

TAKEN AT INSTANCE OF: 3M COMPANY AND  
ARIZANT HEALTHCARE INC.  
DATE: JULY 21, 2017  
PLACE: PAGE, MANNINO, PERESICH & MCDERMOTT  
759 HOWARD AVENUE  
BILOXI, MISSISSIPPI  
TIME: 8:59 a.m.

JOB NO. 124788

REPORTED BY: CONNIE CHASTAIN, RMR  
CSR No. 1025

VIDEOTAPED BY: MARCEL LANOUX

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1 MICHAEL J. STONNINGTON, M.D.  
 2 the Plaintiffs.  
 3 THE VIDEOGRAPHER: The court reporter  
 4 will now swear in the witness.  
 5 MICHAEL STONNINGTON, M.D.,  
 6 having first been duly sworn, was  
 7 examined and testified as follows:  
 8 EXAMINATION  
 9 BY MS. LEWIS:  
 10 Q. Good morning, Doctor. Is it Stonnington or  
 11 Stonnington?  
 12 A. Stonnington, yes, ma'am.  
 13 Q. My name is Deborah Lewis and we introduced  
 14 ourselves to each other this morning; correct?  
 15 A. Yes, ma'am.  
 16 Q. You understand that you are here as an  
 17 expert witness who has been asked to offer opinions  
 18 in this MDL case; correct?  
 19 A. Yes, ma'am.  
 20 Q. This is not your first deposition; am I  
 21 correct?  
 22 A. It is not my first.  
 23 Q. You understand a little bit about this  
 24 process, meaning you understand I am going to ask  
 25 you some questions for which I will want you to

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 2 answer those questions, and our court reporter,  
 3 Connie, is taking down your testimony; correct?  
 4 A. Yes, ma'am.  
 5 Q. You understand that you are under oath and  
 6 sworn to be truthful; correct?  
 7 A. Yes, ma'am.  
 8 Q. You understand that your testimony today is  
 9 subject to the penalties of perjury, the same here  
 10 as if you were in a courtroom; correct?  
 11 A. Yes, ma'am.  
 12 Q. If I ask you a question and you don't  
 13 understand my question, will you let me know that?  
 14 A. Definitely.  
 15 Q. If you need to take a break, will you let  
 16 me know that, as well?  
 17 A. I will.  
 18 Q. Will you make sure that you let me finish  
 19 my question before you give your answer?  
 20 A. Yes, ma'am.  
 21 Q. And will you remember to verbally provide  
 22 answers rather than uh-uh or uh-huh?  
 23 A. Yes, ma'am.  
 24 MR. GORDON: Funny how many people  
 25 answer that "uh-huh".

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 2 MS. LEWIS:  
 3 Q. I put in front of you what's marked as  
 4 Exhibit Number 1, which is the amended notice for  
 5 your deposition this morning. Attached to Exhibit 1  
 6 is Exhibit A towards the back of that. If you'll  
 7 turn towards the back of that document.  
 8 A. I see it.  
 9 Q. Have you reviewed Exhibit A?  
 10 A. Yes, ma'am.  
 11 Q. I want to go through Exhibit A to see what  
 12 documents you brought this morning that are  
 13 responsive to Exhibit A. All right?  
 14 A. Yes, ma'am.  
 15 Q. Number 1 asks for all documents that you  
 16 reviewed in anticipation for your deposition this  
 17 morning. I have two notebooks here and a few other  
 18 documents that Mr. Gordon provided this morning.  
 19 Have you brought all the documents that you  
 20 reviewed in anticipation for your deposition this  
 21 morning?  
 22 A. Yes, ma'am.  
 23 Q. Are Volume 1 and Volume 2 documents that  
 24 you reviewed in anticipation for your  
 25 deposition?

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 2 A. Yes, ma'am.  
 3 Q. In the Volume 1 notebook that's here is an  
 4 index that lists 89 documents. Did you review all  
 5 89 documents in preparation for your deposition this  
 6 morning?  
 7 MR. GORDON: Object to the form. You  
 8 asked anticipation before in preparations.  
 9 A. I tried to assemble a list that range from  
 10 a cursory review to a very hard review. So if I  
 11 looked at the abstract, I looked at a few sentences,  
 12 it's in there.  
 13 MS. LEWIS:  
 14 Q. Mr. Gordon also provided what I understand  
 15 to be some documents where you made notes on those  
 16 documents.  
 17 A. Yes, ma'am.  
 18 Q. Do you believe that the documents on which  
 19 you've made notes are part of the documents that are  
 20 in Volume 1 and Volume 2 of the notebooks? You can  
 21 take a look if you want to see.  
 22 A. Well, I --  
 23 MR. GORDON: I'll represent that I put  
 24 the notebooks together and, as I told you,  
 25 those are part of the compilation.

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2 A. I believe that there are scientists that  
3 believe the bubbles are a good way of looking at air  
4 flow.

5 Q. That's not what I'm asking about  
6 scientists, I'm asking you. Do you agree or  
7 disagree with this sentence?

8 MR. GORDON: And he has answered the  
9 question the best of his ability.

10 Objection, argumentative.

11 A. I'm not sure that's an accurate statement.  
12 MS. LEWIS:

13 Q. The next sentence says, finally, we believe  
14 it is important and notable that no studies  
15 performed by independent investigators have been  
16 published that confirm the findings of the study by  
17 McGovern, et al.

18 Did I read that right?

19 A. Yes, ma'am, you read it right. I'm just  
20 reading it myself.

21 Q. Are you aware of another independent --  
22 another study performed by an independent  
23 investigator that has confirmed the findings of  
24 McGovern?

25 A. Independent, so you're stating that --

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2 Q. No conflict of interest?

3 A. No conflict of interest.

4 Q. Uh-huh.

5 A. I'm not aware of another study.

6 Q. Let's go to the next page?

7 A. But I will say that Augustine's article did  
8 interestingly come up with very close results, which  
9 is interesting.

10 Q. And he's got a conflict of interest,  
11 doesn't he?

12 A. Right, but again, he's a tree in a forest  
13 and it's interesting that his percentage of  
14 decreased infection rates without the Bair Hugger  
15 was very similar and that would be hard to make up.

16 MS. LEWIS: Objection, nonresponsive.

17 MS. LEWIS:

18 Q. We'll get into that a little bit later.  
19 Okay?

20 MR. GORDON: Objection to the sidebar.

21 MS. LEWIS:

22 Q. Augustine is not an independent  
23 investigator, is he?

24 A. He's an investigator by -- from what you're  
25 saying is that he is paid -- he owns HotDog, that's

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2 my understanding. And so by that, he is not  
3 independent from the standpoint of owning the  
4 company.

5 Q. No, he's not independent in terms of being  
6 objective.

7 MR. GORDON: Objection to form,  
8 argumentative.

9 A. You can own a device and be objective. Can  
10 you show me a study that proves that all the time,  
11 that if you own a company you're not objective? Is  
12 Elon Musk not objective when it comes to the  
13 development of the electrical vehicles? Is he not  
14 objective when it comes to the development of space  
15 missions?

16 MS. LEWIS:

17 Q. How about 3M, they're objective, too,  
18 aren't they?

19 MR. GORDON: Objection.

20 A. Well, by your definition you can't be  
21 objective.

22 MS. LEWIS:

23 Q. By your definition you're saying a company  
24 can't be objective, so I'd agree that that means --

25 A. No, no. No, ma'am. Ma'am, you're twisting

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2 my words.

3 MR. GORDON: Argumentative.

4 THE REPORTER: One at a time, please.

5 THE WITNESS: Sorry.

6 THE REPORTER: The last thing I got  
7 was "you're twisting my words".

8 A. Ma'am, I believe you're twisting my words.  
9 I'm saying that you can be objective even if you  
10 have financial interests and I believe there's  
11 numerous examples of that throughout the world.

12 MS. LEWIS:

13 Q. All right. On the next page, the sentence  
14 already starts on the second page, but I want to get  
15 to the next page. It says -- where it says indeed,  
16 do you see on the last sentence on Page 2?

17 A. Yes, ma'am.

18 Q. In other words, they're just kind of saying  
19 until data is published we believe it's reasonable  
20 and appropriate -- all right. Let me just say this.  
21 Until such data are published, talking about no  
22 independent investigators have published a study to  
23 confirm McGovern, we believe that it is reasonable  
24 and appropriate to continue the use of forced-air  
25 warming warming devices in patients.